

PROCEEDINGS OF THE HISTORIC CONSERVATION BOARD

MONDAY, April 7, 2003

3:00 P.M., J. MARTIN GRIESEL ROOM, CENTENNIAL PLAZA II

The Historic Conservation Board met at 3:00 P.M., in the J. Martin Griesel Room, Centennial Plaza II, with members Bloomfield, Borys, Kreider, Raser, Senhauser, Spraul-Schmidt, Sullebarger, and Wallace present. Absent: Clement

MINUTES

The minutes of the Monday, March 10, 2003 meeting were approved (motion by Borys, second by Wallace).

CERTIFICATE OF APPROPRIATENESS, 8-14 WEST MCMICKEN AVENUE, OVER-THE-RHINE (NORTH) HISTORIC DISTRICT

Staff member Caroline Kellam presented the staff report on this request for a Certificate of Appropriateness to construct an extension of a wood privacy fence at 24-36 West McMicken Avenue. Owner/applicant Walter Reinhaus is requesting to extend the existing fence an additional 90 ft. along McMicken Avenue in front of a vacant parcel where 14 West McMicken once stood. The structure at 14 West McMicken was recently demolished in response to an emergency demolition order from Buildings and Inspections (B & I).

Ms. Kellam stated that while the existing wood privacy fence has varying designs, the extension would be similar to that portion pictured in the staff report with no cap and 6" vertical boards with 2" spacers. Instead of a wood gate, the applicant is proposing a chain link gate, which was salvaged from one of the properties.

Ms. Kellam stated that Mr. Reinhaus had appeared before the Historic Conservation Board (HCB) a number of times, details of which she included in her staff report. The Board reviewed Mr. Reinhaus's application to demolish 14 West McMicken on January 7, 2002. Mr. Reinhaus proposed the demolition to create a surface parking lot to serve a residential development of adjoining warehouse buildings at 8-36 West McMicken. Mr. Reinhaus's application included plans for the wood privacy fence along McMicken and a wrought iron fence in front of the future parking at 8-14 West McMicken. At that time, the Board expressed concern not only with the design and multiple materials proposed for the fencing, but the appropriateness of any fence. They ultimately denied the request for the demolition stating they needed detailed plans for the entire rehabilitation project in order to evaluate the demolition in the context of the entire project.

Subsequent applications to the Board regarding the rehab project included a Preliminary Design Review on January 28, 2002, and a Certificate of Appropriateness and Section 106 Review of the entire rehabilitation project on March 25, 2002. Mr. Reinhaus returned to the Board on April 22, 2002 asking that it reconsider a condition previously imposed and allow for a phased development.

Ms. Kellam stated that Cliff Meyer of ABC Signs has indicated support of the project, with his primary interest in having the buildings in use. Marge Hammelrath with the Over-the-Rhine Foundation inquired about the project, but expressed no opinion.

[Ms. Sullebarger joined the meeting.]

Ms. Kellam pointed out pertinent occurrences that have taken place since the applicant's last appearance before the Board.

- On April 3, 2002, as directed by the Board, staff forwarded documents to the Ohio Historic Preservation Office (OHPO) recommending an adverse effect for the demolition, but otherwise recommending approval of the project. The OHPO responded with a list of concerns with the project stating they did not concur with the HCB. The Historic Conservation Office wrote asking for more information with a checklist. To date, the issues are still unresolved and the review has not been completed.
- The applicant proceeded with installing his wood privacy fence in the summer of 2002, having obtained the permit before the designation of the local historic district. The style of the fence was the design rejected by the HCB and the OHPO.
- A letter dated November 25, 2002 informed Mr. Reinhaus that the rehabilitation project at 8-36 West McMicken Avenue would no longer receive CDBG dollars through the City of Cincinnati.
- On February 18, 2003, B & I issued a permit for the demolition of the building at 14 West McMicken under an emergency demolition order.

Ms. Kellam reiterated that the building was recently razed and the current application is requesting to extend the fence in front of that now vacant site.

[Mr. Kreider joined the meeting.]

Ms. Kellam stated that since the applicant's last appearance before the Board, he has applied for piecemeal permits relating to the project. Staff is asking for clarification on the future procedure for review of the project, including whether staff can consider piecemeal applications without an overall plan and whether the Board feels that economic hardship should be considered in this case.

In response to Ms. Sullebarger, Urban Conservator Forwood stated that a Certificate of Occupancy was granted for the first floor of the warehouse at 24 West McMicken, where Mr. Reinhaus resides. He noted that no additional permit would be required for the building interior in order to continue its warehouse use.

[Mr. Raser joined the meeting.]

Ms. Sullebarger asked for clarification regarding the status of the rehabilitation project. Mr. Kellam responded that she believed the project was on hold because it was dependent upon federal funds that have been withdrawn. In response to Ms. Sullebarger, Ms. Kellam stated that she was not aware that the applicant had any additional financing, but noted that he had applied for permits for small amounts of work that had not been approved due to the contingency that final plan documents be filed.

Ms. Borys questioned if the subcommittee assigned to review the project had anything further to report. Mr. Raser explained that Mr. Bloomfield, Ms. Wallace and he had not met (since before the March 25, 2002 meeting) to consider this new application.

Ms. Kellam reviewed the Over-the-Rhine (North) guidelines relating to fencing noting that they reference plain board, vertical board side by side, painted or stained as appropriate, for the rear and sides only.

Mr. Bloomfield questioned if salvaged material was being stored on the lot and if the current request to extend the fence was for security reasons. Mr. Forwood responded that the applicant is requesting the Board review his request to extend the wood privacy fence and not for use of the lot behind it. Ms. Sullebarger observed that the Board has reviewed applications for fences and believed they could act on the current application separately from the rehab project since there are no plans to proceed with the rehab at this time. Mr. Kreider agreed, adding that it would be subject to getting questions answered.

Mr. Reinhaus was present to respond to questions from the Board. He stated that the budget for the rehabilitation project was \$1.2 million. He explained the status in response to Mr. Bloomfield stating that he is attempting to respond to Buildings and Inspections' emergency condemnation order and finish without the property remaining an eyesore, which they specifically requested. He stated that he believes the fence with landscaping will address that. He confirmed that the fence was for security as well as screening and that his intent was to create a better environment with landscaping, remarking that he was not requesting parking at this time. He added that he was not prepared to comment on the future of the rehabilitation project.

In reply to Mr. Kreider, Mr. Reinhaus stated he had not discussed landscaping with staff before the meeting. He anticipated he would plant on both sides of the fence and detailed the landscaping he would include; noting that he did not anticipate anything would be higher than the height of the fence. He added that there is a line of sidewalk trees already planted.

Mr. Reinhaus confirmed that he had intended to lease commercial space to tenants in 24 West McMicken as part of Phase I of his development and that a parking lot would help market it. He also felt that greenspace would attract commercial tenants as well as enhance the environment for the entire community. He noted; however, he has not yet rented any space. He stated that he had a list of commercial tenants twice and while approvals failed to happen, he lost them. Mr. Senhauser questioned what approvals were still needed since commercial use of the property had already been approved. Mr. Reinhaus replied that there were many questions, and assumed that prospective tenants lost interest because of the presence of the dilapidated building. In response to Mr. Senhauser, Mr. Reinhaus stated that it had only been a matter of weeks since the building has been taken down, and acknowledged that he would pursue marketing 24 West McMicken.

Mr. Reinhaus confirmed that both 24 West McMicken and 36 West McMicken were part of the 106 Review and were part of the application when asking for the grant for the rehabilitation project. He did not agree, however, that without the federal grant money, 36 West McMicken would not have a use. He stated, like many owners of former industrial buildings in the area, he would like to think he could create a use. He agreed that his immediate plans for 24 West McMicken include extending the fence and marketing it as a commercial structure, and at this time, he had no plans for 36 West McMicken. He added that he also had applied for window cuts in the east wall of 24 West McMicken, facing into the vacant lot. He explained that the purpose of the window cuts was to accommodate full glass doors in anticipation of

future residences as well as to enhance the rentability of the commercial space. Mr. Forwood added that the permit application for the window cuts was for cuts reflected in plans for his Phase I commercial development as previously presented to the Board.

Mr. Senhauser pointed out that the HCB approved a commercial alternative to a residential project contingent upon the applicant filing a complete set of plans for the rehabilitation. The permit application that has come before the Historic Conservation Office is a permit for window cuts in one wall. Mr. Forwood agreed stating that the permit had not been approved by Plan Review and HCO staff is requesting clarification from the Board that since the project is no longer under a Section 106 review, is staff permitted to approve piecemeal work and not have all work contingent upon a final set of plans.

Considering the estimates provided by the applicant (90 lineal ft. wrought iron at \$11,500 and 90' extension of wood fence at \$980), the Board discussed the case for economic hardship. They concluded that while it may appear as if the wrought iron is expensive and would present a hardship, if it were reviewed in the context of the entire project, it might not be considered cost prohibitive. Mr. Kreider stated that if 1% of the project cost ultimately results in a building full of tenants, it might not be a hardship to construct the fence in wrought iron. Mr. Kreider explained that the Board could not make an informed decision on hardship without the full scope, but perhaps could consider it from an aesthetics standpoint.

Ms. Sullebarger suggested that since the permit for the existing wood fence was obtained before the designation of the district, and not desiring multiple types of fencing across a property line, the Board consider approving the extension of the existing wood privacy fence on a temporary basis. She noted that it should be based on its current use, since the wood fence would not meet the guidelines in terms of enclosing a parking lot. Mr. Kreider agreed that this should be considered. Ms. Kellam confirmed for Ms. Sullebarger that chain link is not considered appropriate in the district. Ms. Sullebarger questioned if a wood gate could be considered.

In response to Mr. Kreider, Mr. Reinhaus stated that his original plan was to hold off on installing an expensive wrought iron fence until the project proved to support it – perhaps in five or ten years. He pointed out that upkeep of the building costs him several thousands every month, which comes out of up front funds. The emergency condemnation came without warning and he had to budget for that since the only alternative was to have the City take it down and bill him for the demolition, which would cost much more. He stated that now that the building is down, there has been an increase in theft. In fact, he stated, there were two in one day where bricks and material from the demolition were taken. He confirmed for Mr. Bloomfield that he intends to clear the lot of debris, but did not know how long it would take. Ms. Sullebarger pointed out that once the lot was cleared, it would be more secure. Mr. Reinhaus responded that theft is not the only problem – the additional open space is providing a haven for other illegal activity.

Mr. Senhauser spoke specifically of the five points HCO staff wished clarified by the Board. In reference to Items 1 and 2, he stated that from everything presented, he does not believe circumstances have drastically changed. Given that the project will not be subject to a Section 106 Review does not change the condition in which the Board requested that they receive an overall plan. Regarding Item 3, if an overall

plan is approved, then piecemeal pieces would not longer be piecemeal. Regarding Item 4, the fence design is a separate issue, except as how it relates to the bigger project. Expressing his agreement with Mr. Kreider, Mr. Senhauser stated the Board could not make a rational decision with regard to economic hardship (Item 5) without an overall plan. He noted that it would be more expensive to do the window cuts, than to do nothing.

Mr. Bloomfield opposed allowing the extension, expressing concern that the fence would not be temporary. He stated the site should be cleared and maintained and suggested lighting and working with the police would help with the security issue. Mr. Raser agreed, reiterating that the area should be cleared, keeping the area safe. He noted that if the fence were extended, it would still be climbed and would not necessarily help reduce crime.

Mr. Kreider suggested that a fence could be constructed on the side that would be according with the guidelines.

Having asked the Board for permission to make a statement, Mr. Reinhaus stated that he has found that staff are capable writers, however, this staff report is not their best work. He commented that the staff report contains numerous confusing, conflicting, misleading and false statements, particularly in describing the background and permit application process, creating a negative picture of him and his development that he felt must be formally disputed. He urged the Board not to make judgments based on the report. Mr. Kreider requested that Mr. Reinhaus be specific regarding the false or misleading statements. Mr. Reinhaus stated he would present a detailed response at later date in an appropriate forum, given time and access to the referenced public record. Mr. Kreider informed Mr. Reinhaus that the meeting was a public hearing and an appropriate time to explain his statement that the staff report contains false and misleading statements. Mr. Reinhaus replied that it would take him time to prepare a statement.

Mr. Kreider stated that he was relying on information from the staff report to make his decision and that if the staff report contained misleading information, a decision could not be made without clarification.

BOARD ACTION

The Board voted unanimously (motion by Kreider, second by Bloomfield) to table the item to allow time for the applicant to expound upon his assertion that the staff report contained misleading statements.

CERTIFICATE OF APPROPRIATENESS, 2708 JOHNSTONE PLACE, EAST WALNUT HILLS HISTORIC DISTRICT

Staff member Adrienne Cowden presented the staff report for this request for a Certificate of Appropriateness for the installation of a bay window, and the demolition of an existing garage and construction of a new garage at 2708 Johnstone Place. The building is a contributing resource within the East Walnut Hills Historic District. The proposed work is part of a larger renovation project for which staff approved the replacement of inappropriate windows with Marvin 6/1 windows earlier this year.

Applicant Mr. Randall Travis, RLT Design, appeared on behalf of the owners at the pre-hearing conference held on Wednesday, April 2, 2003. No other persons attended the hearing. The East Walnut Hills Assembly Executive Board reviewed the

project, after which Mary Anne Lee, Assembly president, informed staff that they found the proposed work acceptable.

Ms. Cowden stated that two windows have been taken out and the frame is already in for the proposed bay window. The guidelines stipulate that original window sashes should be repaired rather than replaced and that when replacement is necessary, the new window should match the original in size and style as closely as possible. Ms. Cowden stated that staff believes the alteration is acceptable since the proposed bay window is on the rear elevation, which is not visible from a public street, and it would allow for more functional use of the dining area providing a better river view. She commented, however, that the design includes brackets that are not structural which cover a portion of the basement openings. She stated that these are design elements that are not seen anywhere else on the building and should be taken off.

Ms. Cowden described the siting as atypical; stating that the first thing one sees is the garage. The house is oriented towards the river, facing directly to the adjacent property. She described the garage as box-like, but likely to be original. She stated it does not fit in well with the architecture of the house, so it could be considered nonsignificant.

Ms. Cowden described the proposed garage as being three-car; the existing garage is a one-car. The design allows for the substantial increase in size to look smaller and includes a flat portion that provides visibility to the top portion of the house. There is a simple covered walk leading to the house, which is not visible from the street. Ms. Cowden stated that staff believes the overall design of the garage is generally compatible with the house. She noted, however, that a few changes could improve the compatibility with the house and neighbors' including installing window openings on the blank north and east elevations. In addition, the design includes two different types of garage doors. Staff prefers the glazed door, which would allow more light and is similar to what was on the original garage. Furthermore, staff discussed with the applicant the possibility of dividing the two-car section at the eastern side of the garage into two bays with separate overhead doors. The applicant was amendable to this suggestion. Ms. Cowden added that the optional garage door on the west elevation is no longer part of the application.

Mr. Senhauser pointed out that in looking at the rear elevation, what is now the dining room used to be a porch and the hearth room was the dining room. The entry and the dining room both opened onto the porch. Therefore, when looking at the rear elevation, what used to be a series of four openings were really porch openings and not windows. Someone may have at some time either screened or glazed the openings, but the original intent was that it was an outdoor space.

Mr. Senhauser noted that he did not see anything in the staff report about the canopy connecting the garage to the house or the skylights. Ms. Cowden stated that she did not address it because originally she did not believe the skylights would be visible, but after further consideration believed they would be. Ms. Borys asked if any thought was given to reducing the prominence of the skylights and questioned if there was room to recess them further behind the parapet.

Applicant Mr. Randall Travis was present to address the Board. He explained that there is an existing aluminum canopy between the garage and the house. The location of the canopy cuts off the arch of the door and a smaller door is fit into that

opening. He explained that they are proposing to raise that roof so the limestone that surrounds the archway will be visible and to install a custom door that fits into that existing opening. He stated that the parapet wall could be raised to hide the skylights. The use of the skylights was to allow more light between the two buildings and into the windows in the kitchen and the mudroom. Mr. Travis confirmed for Mr. Raser that the skylights would be visible particularly when one travels down Johnstone, since the street elevation is above the house.

Mr. Senhauser questioned if consideration was given to constructing a detached three-car garage as an accessory building in the side yard. The doors could face southwest and it would not have to extend out further than the face of the house. He added that the Zoning Code permits an accessory building in the side yard within three feet of the lot line without a variance. A porch could provide cover over the door to the kitchen or mudroom and there would not be an issue with the skylights. Mr. Kreider agreed, noting that the guidelines state that most of the houses in the district are modeled after manor houses with carriage houses for automobile purposes. He stated that by situating the new garage in the side yard, the first thing seen would no longer be the frontal appearance of the garage doors but the architecture of the house.

Mr. Senhauser also pointed out had the design been brought before the Board in a Preliminary Design Review, he would have addressed the location of the proposed bay window. He stated that the master bedroom in the rear with the arched window opening is a very powerful, figurative shape, which asserts itself as a single object. When one adds a bay window, it too becomes an object. He explained that since they are offset, the two objects are struggling for importance with neither one of them reaching any potential. He noted he is not opposed to the enlargement, but the placement of the enlargement. Mr. Senhauser acknowledged that while he does not accept the rationalization that the bay window would not be experienced, being on the rear elevation does temper the unfortunate placement of the bay window. He considered the reconfiguration of the garage as a more pressing issue since it is very visible from the public right-of-way.

In considering the detached garage alternative, Mr. Travis stated that the homeowner would undoubtedly be concerned about the non-covered connection to the house and the increased distance from the house to the garage. Mr. Travis expressed concern that once a porch and a face are created, being the closest entrance, it would take priority over the porte-cochere. Mr. Senhauser agreed that it would give more prominence to that elevation, but the wingwall with the gate would screen the side door and give it a secondary position to the porte-cochere.

The Board discussed alternatives for the new garage. Mr. Raser said that since this house is more secluded than most in the district, he thought leeway could be given to having a garage attached as proposed. He pointed out that in addition, there is a legitimate reason to have a covered connection between the garage and the house. With the change in elevation, steps are necessary and should be protected from the weather. There was additional discussion regarding the suburban solution of attaching a garage to a manor house for convenience. Mr. Senhauser also pointed out that the existing condition is not an attached garage, but a detached garage, joined by a wall with an aluminum roof added later. Mr. Kreider stated that the drive uses the porte-cochere and they could continue use of that circulation. He added that under the current proposal, the primary view of the property from Johnstone

would continue to be a garage. He questioned whether the homeowners would consider the detached garage.

While still expressing concern regarding the elevation and the traffic flow of guests, Mr. Travis agreed that he would present the detached garage alternative to the homeowners.

Mr. Senhauser also suggested the possibility of creating an auto court as a service entrance to the building by utilizing the existing screen wall. The carriage house and house would frame the entrance to the auto court. This would take advantage of the site conditions by allowing the court to be lower than the house, would emphasize the front door, and add to the overall presence of the house.

Ms. Spraul- Schmidt questioned how the construction started without a permit. Mr. Forwood stated that there was a permit for the interior work and replacement of some windows; however, drawings were not submitted and B & I never approved the projecting bay. Mr. Travis confirmed that no work thus far has addressed the link with the garage.

The Board discussed use of the brackets on the bay and suggested there was a way to make the bay look more substantial and preserve the lintel, possibly using a different number of brackets.

The Board advised the applicant that if a variance is needed with the detached garage in the side yard, they would be the one to grant it, but the applicant would need to submit the details to the Urban Conservator so he could review it with Buildings and Inspections.

BOARD ACTION

The Board voted unanimously (motion by Raser, second by Borys) to approve a Certificate of Appropriateness for the bay window on the rear (east) elevation as built and as detailed in the staff report finding that it is compatible with the original design and not visible from the public right-of-way.

The Board also voted unanimously (motion by Kreider, second by Spraul-Schmidt) to table approval of a Certificate of Appropriateness for the demolition of the existing garage and the construction of a new garage in order to allow the applicant to consider a detached garage, this to be resubmitted to the Board.

MISCELLANEOUS UPDATES

The Board discussed forming a committee to review the information submitted to the Urban Conservator in response to letters the HCO staff sent to window and door suppliers in the greater Cincinnati area. The letters asked those interested to submit product information for consideration to be on a pre-approved list for window and door replacements (including garage doors) in an historic district. Mr. Senhauser suggested forming two separate committees of three members reviewing the same items then discussing them as a committee of the whole. He emphasized the importance of all board members being involved in the review. He suggested that he and the Urban Conservator would discuss the details.

Urban Conservator Forwood questioned if the Board would consider expanding staff's authority to approve the demolition of a Non-contributing building without the requirement of a Board hearing. This would extend staff authority beyond that which

they already have in approving the demolition of insignificant additions. The Board decided not to expand the authority at this time.

ADJOURNMENT

As there were no other items for consideration by the Board, the meeting adjourned.

William L. Forwood
Urban Conservator

John C. Senhauser
Chairman

Date